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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,767	04/20/2001	Masahiko Nakahara	500.35615VX1	2931

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EXAMINER

BANANKHAH, MAJID A

ART UNIT	PAPER NUMBER
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2127

DATE MAILED: 04/27/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,767

Applicant(s)

NAKAHARA ET AL.

Examiner

Majid A Banankhah

Art Unit

2127

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-21 is/are rejected.
- 7) ☒ Claim(s) 22-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to application filed on April 20, 2001. Claims 6-25 are considered for examination.
2. The abstract of the disclosure is objected to because abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. Here however, while the abstract describe the invention disclosed in the parent application, is not directed to and does not describe the invention disclosed in the present application. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;

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- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Draves (U.S. Pat. No. 5,802,590) in view of Clifton (U.S. Pat., No. 5,469,556).

Per claim 6 and 13, Draves teaches:

a method of accessing a single resource in an operating system (U.S. Pat. 5,802,590), comprising the steps of:

extracting generation identifying information from an identifier transferred as an argument of a system call issued by one user application for accessing said resource (Draves, col.1, lines 64 to col. 2, lin8, and col. 3, lines 39-62, kernel identifier); comparing the extracted generation identifying information with the generation identifying information stored in said resource at said leading location; and enabling access to said resource when coincidence is found between both of said generation identifying information, while disabling access to said resource when discrepancy is found between both of said generation identifying information (Draves col. Fig 3, and col. 5, lines 37-61) .

Draves fails to teach of identifying number associated with the resource. However, the reference of Clifton teaches of a descriptor for identifying a resource (col. 3, lines 18-42, identifying the domain, page and address of the resource), for the reason to be able to locate and use a resource with certain identification. Therefore, it would have been obvious for one ordinary skill in the art at the time the invention was made to use Clifton descriptor identifier in the resource management system of Draves. Additionally, the descriptor can handle information regarding the resource and therefore, it would have been obvious to use any desirable identifying information such as generation information of the resource, for the reason that when a specific desired information is needed being able to use that when the resource is called.

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Draves further fails to teach of incrementing a counter included in said operating system by a discrete value, upon generation of a resource, and using a counter value as generation identifying information. However, it is well known in the art to use counter to assign version number to a version of a program or file or a resource if it is to be identified by that. Therefore, it would have been obvious for one ordinary skill in the art to use a counter as a mean for separating and identifying different resources generated at different time. Therefore, it would have been obvious for a person ordinary skill in the art at the time the invention was made to use a counter for counting and identifying different generation number of a system resource in the resource management system of Draves

Per claim 7, the claim is rejected for the reasons stated in the rejection of claim 1 and further accessing method according to claim 6, wherein said generation identifying information corresponds to a time said resource was generated is well known in the art. Time stamping version generation of a program and/or resource is well known for the reason to retrieve the most updated one when it is needed. Therefore it would have been obvious for one ordinary skill in the art at the time the invention was made to time stamp a newly generated resource for the purpose of identification.

Per claim 8, it is well known to use most significant bit of the identifier in order to support a peak of identifiers assigned at a given time. Additionally, by using this methodology, a minimum span between a "stalling" instruction and a next instruction to dispatch is very minimal

Per claims 9, see the rejection of claim 6 regarding the address verification see Draves, Fig.3, 316. The step of denying access is taught by Draves in col. 5, lines 36-61.

Per claim 10-11, it is well known to use most significant bit of the identifier in order to support a peak of identifiers assigned at a given time. Additionally, by using this methodology, a minimum span between a "stalling" instruction and a next instruction to dispatch is very minimal.

Per claim 12, setting the initial value of a counter to zero is well known in the art because without that there will be no reference point to the counter. Therefore, it is obvious to use zero initial value to make sure the following reading is consistent with a reference point.

Per claim 14, see the rejection of claims 9 and 10.

Per claims 15-16, see the rejection of claim 10-11.

Per claim 17, see Draves in col. 5, lines 36-61, where he teaches of allowing access when the stored key matches the passed key, and when such a resource entry is not found, the client process is denied access to the resource.

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Per claim 18-19, see the rejection of claim 10-11.

Per claim 20-21, see the rejection of claim 12.

4. Claims 22-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Majid A. Banankhah** whose voice telephone number is (703) 308-6903. A voice mail service is also available at this number.

All response sent to U.S. Mail should be mailed to:

Commissioner of Patent and Trademarks

Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park Two, 2021 Crystal Drive, Arlington, VA, Six Floor (Receptionist). All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses to the Examiner.

All Formal or Official Faxes must be signed and sent to either (703) 308-9051 or (703) 308-9052. Official faxes will be handled and entered by the docketing personnel. The date of entry will correspond to the actual FAX reception date unless that date is a Saturday, Sunday, or a Federal Holiday within the District of Columbia, in which case the official date of receipt will be the next business day. The application file will be promptly forwarded to the Examiner unless the application file must be sent to another area of the office, e.g., Finance Division for fee charging, etc.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Majid Banankhah

4/21/04


MAJID BANANKHAH
PRIMARY EXAMINER